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MSC

SERVICE DATE – OCTOBER 1, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Ex Parte No. 587

INFORMATION QUALITY GUIDELINES

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of final guidelines.

SUMMARY: The Surface Transportation Board (Board) is adopting final Information Quality Guidelines (I.Q. Guidelines). The I.Q. Guidelines contain the Board's information resource management procedures for reviewing and substantiating the quality of information before it is disseminated to the public, and the procedures by which an affected person may obtain correction of information disseminated by the Board that does not comply with the I.Q. Guidelines.

DATES: The Board's I.Q. Guidelines are effective October 1, 2002.

FOR FURTHER INFORMATION CONTACT: John M. Atkisson (202) 565-1710. [Federal Information Relay Service (FIRS) (Hearing Impaired): 1-800-877-8339.]

SUPPLEMENTARY INFORMATION: By decision served April 1, 2002, and published in the Federal Register on the same date (67 FR 15450), the Board initiated this proceeding and sought comments from interested parties on the Board's draft I.Q. Guidelines. The draft I.Q. Guidelines have been revised in response to comments received from interested parties. A frequent user of the Board's Reading Room misunderstood the scope of the I.Q. Guidelines, prompting us to specify with greater particularity which information is subject to them. General comments on other agencies' guidelines from the Center for Regulatory Effectiveness led to amplification of our procedure for making corrections in the event erroneous information is disseminated by the Board. In addition, the draft I.Q. Guidelines have been revised in response to suggestions of the Office of Management and Budget.

The Board's final I.Q. Guidelines are attached as an appendix to this decision and also are posted on the Board's website, www.stb.dot.gov. In addition, copies of this decision, containing the I.Q. Guidelines, may be purchased from Da-2-Da Legal Copy Service, Suite 405, 1925 K Street, NW, Washington, DC 20006, telephone (202) 293-7776, da2dalegal@earthlink.net.

Decided: October 1, 2002.

By the Board, John M. Atkisson, Designated Official.

Vernon A. Williams
Secretary

Appendix

Surface Transportation Board

INFORMATION QUALITY GUIDELINES

1. Purpose. The Surface Transportation Board (Board or STB) is committed to ensuring and maximizing the quality, utility, objectivity, and integrity of all information it disseminates to the public. To accomplish this objective, the Board has developed information resource management procedures and guidelines for reviewing and substantiating the quality of information before it is disseminated. In addition, the Board has established a procedure by which an affected person may obtain correction of information disseminated by the agency that does not comply with these STB guidelines or those of the Office of Management and Budget (OMB) designated below.
2. Authority. Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. No. 106-554; 114 Stat. 2763) directs each agency subject to the Paperwork Reduction Act (44 U.S.C. Chapter 35) to issue customized Information Quality Guidelines (I.Q. Guidelines) conforming to the general guidelines issued by the OMB. Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies, 67 Fed. Reg. 8452 (Feb. 22, 2002). The goal of these I.Q. Guidelines is to ensure that information disseminated by the Board will be:
 - a. Useful to the intended users of the information;
 - b. Presented in an accurate, clear, complete, and unbiased manner; and
 - c. Protected from unauthorized access or revision.These guidelines are not a regulation. While the Board is committed to ensuring information quality through consistent use of these guidelines, they do not create any legal rights of judicial review.
3. Designated Official, I.Q. Guidelines. John M. Atkisson, Executive Counsel.
4. Effective Date. The Board's obligation to conduct pre-dissemination information quality reviews begins with information disseminated on or after October 1, 2002. The STB will continue to rely upon some information disseminated before that date as official government data. Information that is not characterized as archival is, in effect, being continuously disseminated. Affected persons may request correction of errors contained in information either newly or continuously disseminated, as defined here and below, after October 1, 2002.

5. Definitions.

- a. **Information.** Any communication or representation of knowledge such as facts or data, conveyed in any form or medium, including textual, numerical, graphic, cartographic, narrative, or audiovisual, whether on paper, film, or electronic media, and whether disseminated via fax, recording, machine-readable data, or website. Information does not include hyperlinks provided to information originated by or in the custody of someone other than the Board. It also does not include opinion, unless that opinion is the Board's official point of view.
- b. **Dissemination.** Intentional distribution of information to the public that is initiated or sponsored by the Board as its official findings, point of view, or data. The Board "sponsors" distribution of information if it collects it, causes another agency to collect it, contracts or enters into a cooperative agreement with a person to collect it, or requires a person to provide information to someone else or the public on its behalf. It also sponsors information if it causes someone else to obtain, solicit, or require disclosure of information by or for the Board to third parties or the public.

"Dissemination" does not include the simple pass-through of public filings or other information received from third parties by the Board and made available for public review via the Public Reading Room or website posting, without the Board's official endorsement of its content. However, these guidelines may apply to third-party information adopted or endorsed by the Board, or used to formulate or support a regulation, guidance, or other Board decision or position.

Even if distributed by the Board, and regardless of the medium, the following types of information fall outside the OMB's definition of "dissemination" and are not subject to these guidelines:

- 1) dissemination intended to be limited to the Board's adjudicative decisions or declaratory orders, whether ex parte or involving specific parties;
- 2) STB archival records;
- 3) information released to or by government employees, agency contractors, or grantees, and not intended for public release;
- 4) information intended only for intra- or inter-agency communications;
- 5) information released under the Freedom of Information Act (FOIA), the Privacy Act, the Federal Advisory Committee Act, or similar law;
- 6) STB correspondence;
- 7) information presented to Congress, such as testimony by Board members, containing information that the STB has previously disseminated to the public;
- 8) press releases or similar communications that announce or give public notice of information the Board has disseminated elsewhere; and
- 9) subpoenas.

- c. **Quality.** For purposes of these I.Q. Guidelines, the three main aspects of information quality are utility, objectivity, and integrity, as described below.
 - d. **Utility.** Usefulness to its intended users of disseminated information, measured by reference to established criteria, such as accessibility or timeliness.
 - e. **Objectivity.** Accuracy, completeness, reliability, clarity, and lack of bias in the collection, manipulation, and contextual presentation and substance of information, with appropriate levels of statistical or scientific objectivity for the type and importance of the information disseminated.
 - 1) Scientific or statistical information should be presented with supporting data and models to allow intended users or qualified third parties to assess the objectivity of information sources, when that is possible without revealing trade secrets or violating confidentiality and privacy. When that is not possible, the STB will apply especially rigorous robustness checks, and at a minimum, indicate specific data sources, quantitative methods, and assumptions used.
 - 2) Disseminated analytical results likely to be influential—i.e., those that will most likely have an important effect on governmental or private-sector policies, or have important consequences for specific technologies, substances, products, or firms—must be capable of being substantially reproduced. This means that independent re-analysis of original and supporting data using the same methods would generate similar analytical results, within an acceptable range of error or imprecision. In the unlikely event that the STB disseminates influential information analyzing risks to human health, safety, and the environment, it will adopt the quality principles required in the Safe Drinking Water Act Amendments of 1966 (42 U.S.C. 300g-1(b)(3)(A) & (B)).
 - 3) Results already subjected to formal, independent, external peer review before dissemination are presumptively objective. Although that presumption is rebuttable, the burden of proof that it is not objective is on the complainant.
 - f. **Integrity.** Refers to protection of information from corruption or falsification by unauthorized access or revision.
6. Emergency Exception. During situations posing an imminent threat to public health or welfare, the environment, the national economy, or homeland security, the requirements of these I.Q. Guidelines may be temporarily waived.
7. Correction of Errors in Information Disseminated by the Board.
- a. **Information Correction Requests.**

In accordance with these guidelines and those of the OMB, affected persons may submit a written Request for Correction of errors in information disseminated by the Board to John M. Atkisson, Designated Official, at

E-mail: atkissonj@stb.dot.gov

Fax: 202-565-9021

Mail: Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Attention: John M. Atkisson, Designated Official, I.Q. Guidelines

Requests for Correction must include the following information:

- 1) an explanation of how the requestor is affected by the information error;
- 2) a description of the factual error or noncompliance with STB or OMB guidelines, including the name or number of the document in which it appears and how it was disseminated to the affected person;
- 3) the factual basis for the assertion that Board-disseminated information contains an error, including a recommended correction, if possible;
- 4) contact information for the affected person, including name, address, daytime telephone number, and e-mail address.

b. **Processing Information Correction Requests.** Unless the request is frivolous, and if an affected person provides the information required above, the Designated Official will ensure that the information originator or custodian reviews the request, makes corrections as appropriate, and responds in writing within 60 calendar days of receipt by the STB. If the request will require more than 60 calendar days to resolve, the Designated Official will so inform the requestor, explain why, and indicate an estimated decision date. The burden of proof that the request is not frivolous, or that the correction is necessary, lies with the requesting affected person. If correction is appropriate, the STB will publish advance notice of it through the same medium used to disseminate the incorrect information.

c. **Requests for Reconsideration.** Affected persons dissatisfied with the STB's response to an Information Correction Request may submit a Request for Reconsideration within 30 calendar days of the dated response to the original request. Requests must be directed to the Designated Official at any of the addresses in item 7.a above, and must include the following:

- 1) an explicit request for reconsideration;
- 2) a copy of the original Information Correction Request;
- 3) a copy of the STB's response to that request.

As a neutral party who neither originates nor collects information, the Designated Official will review the Request for Reconsideration, discuss the STB's response with the person who made it, decide whether to revise the STB's original response, and respond to the affected person within 60 days of receipt of the Request for

Reconsideration. If the request will require more than 60 calendar days to resolve, the Designated Official will so inform the requestor, explain why, and indicate an estimated decision date. If correction is appropriate, the STB will publish advance notice of it through the same medium used to disseminate the incorrect information.

- d. **Disseminations Not Correctable Through This Process.** Disseminations already subject to a comprehensive public comment process—e.g., notices of proposed rulemaking (NPRM), environmental documents produced in compliance with NEPA, or requests for comment on information collections subject to the Paperwork Reduction Act—may not be corrected through this process. A parallel or subsequent complaint or appeal process would be unfair to those who submit timely comments through the prescribed process.

However, the STB will accept an Information Correction Request related to such a proceeding when an affected person shows a reasonable likelihood of suffering actual and imminent harm, other than an adverse decision in the proceeding, if alleged information errors remain uncorrected prior to the end of the public comment period or final agency action. The burden of proof that the correction is necessary, and the harm is both actual and imminent, lies with the requesting affected person.

At its discretion, the STB may also consider an Information Correction Request related to such a proceeding, if doing so is appropriate and will not delay the final action, when the effect of the alleged error upon the requestor results from the information itself, rather than the rule or final action.

If correction is appropriate, the STB will publish advance notice of it through the same medium used to disseminate the incorrect information.

8. Annual Reporting. The Board will prepare an annual fiscal-year report to OMB providing information, both quantitative and qualitative, where appropriate, on the numbers, nature, and resolution of complaints received by the agency regarding its perceived or confirmed failure to comply with these I.Q. Guidelines. As part of these reports, the Board will describe to OMB its chosen response mechanism. The first report, for fiscal year 2003, will be submitted by January 1, 2004.
9. Quality Standards for Website Publication, by Information Type
 - a. **STB Organization and Personnel**
(E.g., Mission Statement, Organization Chart, Meet the Commissioners, STB Key Contacts List, Section of Environmental Analysis page, Office of Publications page, Office of Congressional and Public Services page, Rail Consumer Assistance Program, Vacancy Announcements, Education, “Who’s Who and What Does It Do?”)
 - *Utility*

- Availability: Web posting w/in 20 work days of changes
- Ease of Location: Web posting w/in 2 clicks of home page
- Internally Hyperlinked: Preferred
- Page Layout: 8-1/2 x 11 format, portrait orientation
- Display Last Update or Document's Date: Yes
- Accessibility: Printable directly from web page
- *Objectivity* Review quarterly for continuing relevance, accuracy
- *Integrity* Website integrity protected by fire wall

b. **STB Policy Statements**

(E.g., "Policy Statement on Use of Third-Party Contracting in Preparation of Environmental Documentation")

- *Utility*
 - Availability: Web posting w/in 10 work days of publication
 - Ease of Location: Web posting w/in 3 clicks of home page
 - Internally Hyperlinked: Links from TOC to headings required
 - Page Layout: Mimic 8-1/2 x 11 format
 - Display Last Update or Document's Date: Yes
 - Clarity of Expression: Highest
 - Typographical Accuracy: 100%
 - Accessibility: Downloadable in word-processing format; printable directly from web page
- *Objectivity* N/A
- *Integrity* Website integrity protected by fire wall

c. **STB Annual Reports**

- *Utility*
 - Availability: Web posting on publication date
 - Ease of Location: Web posting w/in 3 clicks of home page
 - Internally Hyperlinked: Links from TOC to headings required
 - Page Layout: Mimic 8-1/2 x 11 format
 - Clarity of Expression: Highest
 - Typographical Accuracy: 100%
 - Accessibility: Downloadable in Corel Envoy; printable directly from web page
- If/When Archived: Last five years on main page; hyperlink to archive for earlier reports
- *Objectivity* Written by expert staff and reviewed for accuracy prior to web posting
- *Integrity* Website integrity protected by fire wall

d. **STB Fee Regulations**

(Description of services and fees selected from 49 CFR Part 1002 - FEES).

- *Utility*
 - Intended Consumer(s): The public
 - Availability: Web posting of update w/in 10 work days of effective date of changes
 - Ease of Location: Web posting w/in 4 screens of home page
 - Page Layout: 8-1/2 x 11 format
 - Typographical Accuracy: 100%
 - Accessibility: Printable directly from web page
 - If/When Archived: No archive; post only current fee regulations
- *Objectivity* Expert staff manually enters amended fees, updated pursuant to formula, into template for posting by webmaster
- *Integrity* Website integrity protected by fire wall

e. **STB Reports Mandated by Statute or STB Policy**

(E.g., STB Freedom of Information Act (FOIA) Report)

- *Utility*
 - Intended Consumer(s): Department of Justice, other agencies, the public
 - Availability: Web posting on due date of report
 - Ease of Location: Web posting w/in 4 screens of home page
 - Internally Hyperlinked: Not required
 - Page Layout: Mimic 8-1/2 x 11 format
 - Display Last Update or Document's Date: Yes
 - Accessibility: Printable directly from web page
 - Contacts for Add'l Info: Listed in the report
 - If/When Archived: Last five years on main page; hyperlink to archive for earlier reports
- *Objectivity* Automatic count of FOIA requests by category made by database software, confirmed by hand count; fees gathered from Fees and Billing (FAB) database; data posted by webmaster
- *Integrity* Website integrity protected by fire wall

f. **Information/Instructions**

(E.g., "So You Want to Start a Small Railroad," "Overview: Abandonments & Alternatives to Abandonments," "Guide to the STB's Environmental Rules," "User

Guide to the 1999 Surface Transportation Board Carload Waybill Sample,” “1996 Surface Transportation Board Public Waybill”)

- *Utility*
 - Availability: Web posting w/in 10 work days of changes
 - Ease of Location: Web posting w/in 4 clicks of home page
 - Clarity of Expression: Highest
 - Internally Hyperlinked: Required if TOC is used
 - Page Layout: Mimic 8-1/2 x 11 format
 - Display Last Update or Document’s Date: Yes
 - Contacts for Add’l Info: Listed in the text
 - Accessibility: Downloadable in Adobe Acrobat or Corel Envoy, or printable directly from web page
- *Objectivity* Written by expert staff and reviewed annually for accuracy
- *Integrity* Website integrity protected by fire wall

g. **Aids to Understanding**

(E.g., Glossary, Docket Prefix Chart, BEA Definitions Conversion Table)

- *Utility*
 - Availability: Web posting w/in 20 work days of changes
 - Ease of Location: Web posting w/in 5 clicks of home page
 - Internally Hyperlinked: Preferred where useful but not required
 - Page Layout: Mimic 8-1/2 x 11 format
 - Display Last Update or Document’s Date: Yes
 - Accessibility: Printable directly from web page
- *Objectivity* Written by expert staff and reviewed annually for accuracy
- *Integrity* Website integrity protected by fire wall

h. **Monitoring Reports**

(Periodic reports required as a condition of merger or acquisition, prepared for STB’s use in monitoring railroad’s progress. E.g., CN/WC Operational Monitoring Reports, Conrail Weekly Data Reports)

- *Utility*
 - Intended Consumer(s): STB, for monitoring purposes
 - Availability: Web posting w/in 3 work days of receipt
 - Ease of Location: Web posting w/in 4 screens of home page; hyperlinked to/from related web pages
 - Currency Evaluation: When formal oversight ends
 - Contacts for Add’l Info: Hyperlink preferred

- **Accessibility:** Downloadable in word-processing format and/or Adobe Acrobat; printable directly from web page
- **If/When Archived:** When formal oversight ends
- **Objectivity** Expert staff reviews for credibility and, if appropriate, requests revision by data originator prior to posting
- **Integrity** Website integrity protected by fire wall

i. **STB Proceeding-Related Publications**

(E.g., Abstracts of Key Cases)

- **Utility**
 - **Availability:** Web posting w/in 20 work days of receipt
 - **Ease of Location:** Web posting w/in 5 screens of home page
 - **Internally Hyperlinked:** Not required
 - **Page Layout:** Mimic 8-1/2 x 11 format
 - **Accessibility:** Printable directly from web page
 - **Timeliness Evaluation:** Annually
 - **If/When Archived:** Website “archive” with related materials (decisions, Environmental Impact Statements) for proceeding
- **Objectivity** Written by expert staff, reviewed annually for accuracy
- **Integrity** Website integrity protected by fire wall

j. **Railroad Data**

(Data received directly from railroads and compiled by STB. E.g., Annual Report Financial Data, Quarterly Earnings Reports, Wage Statistics, Employment Data)

- **Utility**
 - **Intended Consumer(s):** Board, government agencies, railroad industry
 - **Availability:** Web posting w/in 15 calendar days of receipt by STB. (Within 45 days of close of most recent quarter, 4 months of close of most recent year.)
 - **Ease of Location:** Web posting w/in 5 clicks of home page; hyperlinks to/from related web pages
 - **Display Doc’s Date:** Yes
 - **Accessibility:** Downloadable in Adobe Acrobat or in spreadsheet and word-processing formats; printable directly from web page
 - **If/When Archived:** Last five years on main page; hyperlink to website “archive” for earlier reports
- **Objectivity** Railroads submit data, expert staff enters it into spreadsheet, delivers files to webmaster
- **Integrity** Website integrity protected by fire wall

k. **Railroad Rate Studies**

- *Utility*
 - Intended Consumer(s): Board, government agencies, private parties with an interest in the railroad industry
 - Availability: Web posting w/in 10 work days of production
 - Ease of Location: Web posting w/in 5 clicks of home page; hyperlinks to/from related web pages
 - Display Doc's Date: Yes
 - Accessibility: Downloadable in Adobe Acrobat or in spreadsheet and word-processing formats; printable directly from web page
 - If/When Archived: Most recent five years on main page; hyperlink to website "archive" for earlier studies, if available
- *Objectivity* Railroads produce stratified samples of waybills; consultant prepares data; Board staff generate rate index and produce report, which is internally peer reviewed for accuracy
- *Integrity* Website integrity protected by fire wall

l. **Non-STB Contact Lists**

(E.g.: List of Third-Party Contractors for Environmental Studies; Useful Federal Agencies and Their Websites, Environmental Contact List; Rails-to-Trails Site Links)

- *Utility*
 - Intended Consumer(s): The public
 - Availability: Web posting w/in 20 work days of learning of changes
 - Ease of Location: Web posting w/in 5 clicks of home page
 - Display Doc's Date: Yes
 - Accessibility: Downloadable in word-processing or Adobe Acrobat format; printable directly from web page
 - If/When Archived: No website archive; post only current information
- *Objectivity* Annually update lists and confirm hyperlinks to other websites
- *Integrity* Website integrity protected by fire wall

m. **Joint Publications with Other Entities**

(E.g., USDA/STB Grain Logistics Task Force "Grain Transportation Prospects")

- *Utility*
 - Ease of Location: Hyperlink to other agency's website from w/in 5 clicks of STB home page

- Continuing Relevance
Evaluation Frequency: Test and re-evaluate hyperlinks annually
- *Objectivity* N/A: STB is neither originator nor custodian
- *Integrity* Website integrity protected by fire wall